REMARKS

In the Final Office Action, the Examiner noted that claims 1-8 are pending in the application and that claims 1-8 stand rejected. By this response, claims 1 and 5-8 are amended to more clearly define the invention of the Applicant and not in response to prior art and new claims 9 and 10 are added.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of the claims are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant believes that all of these claims and the application are now in allowable form.

Rejections

A. 35 U.S.C. § 102

The Examiner rejected claims 1-4, 6 and 7 under 35 U.S.C. § 102(e) as being anticipated by Thomason (U.S. Patent No. 6,018,612). The rejection is respectfully traversed.

Regarding claim 1, the Examiner alleges that Thomason discloses a process for recording a digital video and audio data stream wherein recording being carried out on a medium organized in the form of logic blocks in series and comprising a recording and reading head including all of the aspects of the Applicant's invention. The Applicant respectfully disagrees.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrik Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)). (emphasis added). The Applicant respectfully submits that Thomason fails to teach each and every element of at least the Applicant's claim 1, which specifically recites:

> "A process for recording a digital video and audio data stream wherein recording being carried out on a medium organized in the form of logic blocks in series and comprising a recording and reading head, said process comprising the steps of:

> recording data on said medium **as a pattern of at least one recorded block immediately followed by at least one unrecorded block**; and
>
> following the triggering of the reading of the recorded data, **alternately reading a continuous series of said previously recorded blocks and continuing the recording of data in said unrecorded blocks immediately following the blocks read.** (emphasis added).

The Applicant's claim 1 finds support throughout the specification. More specifically, Claim 1 is directed to a process for recording a digital video and audio data stream wherein recording being carried out on a medium (hard disk 201 on page 5, line 23) organized in the form of logic blocks in series and comprising a recording and reading head, the process including the steps of recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block (see figure 9a, page 18 lines 10-13) and following the triggering of the reading of the data, alternately reading a continuous series of previously recorded blocks and continuing the recording of data in the unrecorded blocks immediately following the blocks read (see page 18 lines 14-21).

In contrast to the invention of the Applicant, at least as claimed by the Applicant's independent claim 1, Thomason teaches and describes a process for recording a digital video and audio data stream wherein recording is carried out on a medium (hard disk 36), organized in the form of logic blocks in series and comprising a recording and reading head (column 4 line 36) , the process comprising the steps of storing first in a buffer memory (35) the data before transferring them to the main memory (36) and also, when reading data on the main memory (36), data is initially sent to the buffer memory (35). The invention proposes a useful arrangement of the buffer memory in order to make the data transfers with the main memory using an efficient manner. However, there is absolutely no teaching, suggestion or disclosure in Thomason for a process for recording a digital video and audio data stream including recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block and following the triggering of the reading of the data, alternately reading a continuous series of previously recorded blocks and continuing the recording of data in the unrecorded blocks immediately following the blocks read

as taught in the Applicant's Specification and claimed by at least the Applicant's amended claim 1.

More specifically, the Examiner specifically points to Thomason col. 4, lines 47-51, col. 5, lines 7-26 and fig. 3 (60) for attempting to anticipate the recording pattern of the Applicant's invention. The Applicant respectfully disagrees. That is, in the invention of the Applicant, data is recorded in a pattern of at least one recorded block immediately followed by at least one unrecorded block as taught in the Applicant's invention and claimed by at least the Applicant's claim 1. In contrast to the invention of the Applicant and as pointed out by the Examiner, Thomason specifically recites:

> "Memory blocks 51a, 52a, . . . , 58a and 59a are chained in one direction. All memory blocks include a memory space 70 for storing the data and a pointer location 71, as indicated in the memory block 52a. The pointer P1 in the control block 60 points to the address where the memory block 59a is stored. As this memory block is the block lastly stored, its pointer has a constant value, such as zero. The pointer P2 in the control block 60 points to the address where the memory block 51a is stored." (See Thomason, col. 5, lines 13-20).

As clearly evident from the portion of the teachings of Thomason presented above, in Thomason P1 and P2 are pointers that point to where specific memory blocks are stored and are not recorded data blocks recorded in the pattern taught and claimed by at least the Applicant's claim 1. In addition, Thomason further teaches:

> "A basic administration of the buffer memory 35 is possible using 3 FIFO queues, namely one FIFO queue (FIFO number 1) for the free memory blocks in the common buffer memory 35, one FIFO (FIFO number 2) for the input buffer memory part in the common buffer memory 35 and one FIFO (FIFO number 3) for the output buffer memory part of the common buffer memory 35. (See Thomason, col. 5, lines 41-47).

In Thomason, and specifically referring to Figure 2 and Figure 3, Thomason teaches a method for administering the buffer memory. Specifically, Thomason teaches that 3 FIFO queues can be used for allocating memory blocks for the efficient use of the buffer memory. However, the teachings of Thomason absolutely fail to teach, suggest or anticipate a process for recording a digital video and audio data stream including recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block as taught

and claimed by at least the Applicant's claim 1. In contrast to the invention of the Applicant, Figure 2 of Thomason merely depicts a representation of the three FIFO arrangement for the buffer memory and absolutely fails to teach, suggest or anticipate the recording pattern of the Applicant's claimed invention.

Even further, the Examiner cites Thomason, col. 4, lines 52-67 for teaching the Applicant's claimed limitation of following the triggering of the reading of the data, alternately reading a continuous series of previously recorded blocks and continuing the recording of data in the unrecorded blocks immediately following the blocks read. The Applicant respectfully disagrees. In col. 4, lines 52-67 Thomason specifically recites:

> "Data will also be regularly requested from the main memory disk 36 to be displayed on the TV screen. Again the disk may be temporarily busy for another operation. Data stored in the output buffer 35b is now supplied to the output 51b and thus applied to the output terminal 53 so as to enable continuity of viewing for the user. As soon as the disk is capable of supplying data, the data stored on the disk is supplied to the output 56 of the main memory 36 and applied to the input 59b of the output buffer memory 35b, for storage in the output buffer 35b.
>
> In particular, the input buffer 35a is needed to buffer the incoming data while the disk is being read, and the output buffer 35b is needed to provide a continuous output of data while the disk is being written to. The input buffer 35a and the output buffer 35b are combined into one shared memory 35. (See Thomason, col. 4, lines 52-67).

As clearly evident from the portions of the disclosure of Thomason presented above, in Thomason upon a read request, data stored in an output portion of the buffer is supplied to an output for viewing while a main memory disk may be busy and as soon as the disk is capable of supplying data, the data on the disk is provided to an input section of the buffer. In Thomason the allocation of memory resources of the buffer is controlled by a three FIFO arrangement and the data is not stored in a specific pattern. That is, the teachings of Thomason absolutely fail to teach, suggest or anticipate a process including following the triggering of the reading of the data, alternately reading a continuous series of previously recorded blocks and continuing the recording of data in unrecorded blocks immediately following the blocks read.

For at least the reasons stated above, the Applicant respectfully submits that Thomason absolutely fails to teach at least the recording pattern of the Applicant's invention and that subsequent to a read request, that data is alternately read and recorded according to the recording pattern of at least one recorded block followed by at least one unrecorded block as taught and claimed by the Applicant's invention.

As such, the Applicant respectfully submits that this is clearly a structural difference between the claimed invention and the cited prior art of Thomason.

Therefore, the Applicant submits that for at least the reasons recited above, independent claim 1 is not anticipated by the teachings of Thomason and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Likewise, independent claim 7 recites similar relevant features as recited in the Applicant's independent claim 1. As such, the Applicant respectfully submits that for at least the reasons recited above independent claim 7 is also not anticipated by the teachings of Thomason and also fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Furthermore, dependent claims 2-4, 6 and new claim 9 depend directly from independent claim 1 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 2-4, 6 and new claim 9 are also not anticipated by the teachings of Thomason. Therefore the Applicant submits that dependent claims 2-4, 6 and new claim 9 also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

B. 35 U.S.C. § 103

The Examiner rejected claims 5 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Thomason in view of Mishara (U.S. Patent No. 6,304,927). The rejection is respectfully traversed.

The Examiner applied Thomason for the rejection of claims 5 and 8 as applied above for the rejection of claims 1-4, 6 and 7. As described above, Thomason absolutely fails to teach, suggest or anticipate at least the Applicant's independent claims 1 and 7. As such, and at least because Thomason fails to

teach, suggest or anticipate the Applicant's independent claims 1 and 7, the Applicant further submits that Thomason also fails to teach, suggest or anticipate the Applicant's claims 5, 8 and new claim 10, which depend directly from the Applicant's claims 1 and 7, respectively.

Furthermore, the Applicant submits that Mishara also fails to teach, suggest or render obvious at least a process for recording a digital video and audio data stream including recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block and following the triggering of the reading of the data, alternately reading a continuous series of previously recorded blocks and continuing the recording of data in the unrecorded blocks immediately following the blocks read as taught in the Applicant's Specification and claimed by at least the Applicant's amended claims 1 and 7. That is, the teachings of Mashira for a digital copier or multi-function device with a scalable architecture fails to teach, suggest or render obvious at least a process for recording a digital video and audio data stream including recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block and following the triggering of the reading of the data, alternately reading a continuous series of previously recorded blocks and continuing the recording of data in the unrecorded blocks immediately following the blocks read as taught in the Applicant's Specification and claimed by at least the Applicant's amended claims 1 and 7.

As such, the Applicant submits that at least because Mishara fails to teach, suggest or render obvious at least the Applicant's independent claims 1 and 7, the Applicant further respectfully submits that Mishara also fails to teach, suggest or render obvious the Applicant's claims 5, 8 and new claim 10, which depend directly from the Applicant's independent claims 1 and 7, respectively.

As such and for at least the reasons recited above, the Applicant respectfully submits that the teachings of Thomason and Mashira, alone or in any allowable combination, fail to teach, suggest or make obvious the invention of the Applicant with regard to at least the Applicant's independent claims 1 and 7. As such, the Applicant further submits that the teachings of Thomason and Mashira, alone or in any allowable combination, also fail to teach, suggest or make obvious

the invention of the Applicant with regard to dependent claims 5, 8 and new claim 10, which depend directly from the Applicant's independent claims 1 and 7, respectively, and recite further limitations thereof.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 5, 8 and new claim 10 are not rendered obvious by the teachings of Thomason and Mishara, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

Conclusion

The Applicant respectfully submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,
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